99TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
99-774

CANCER-BASED EMPLOYMENT DISCRIMINATION

AUGUST 8, 1986.—Referred to the House Calendar and ordered to be printed

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Mr. HAWKINS, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H. Con. Res. 321]

The Committee on Education and Labor, to whom was referred the concurrent resolution (H. Con. Res. 321) expressing the sense of Congress in opposition to employment discrimination against persons who have, or have had, cancer based on such individual's cancer history, having considered the same, report favorably thereon without amendment and recommend that the concurrent resolution do pass.

LEGISLATIVE CONSIDERATION

House Concurrent Resolution 321 was introduced on April 21, 1986, by Representative Mario Biaggi of New York. The Resolution, with 88 co-sponsors, was referred to the House Education and Labor Subcommittee on Employment Opportunities.

The Subcommittee, on June 6, 1985, conducted a hearing on the issue of employment discrimination against persons on the basis of cancer and handicap history.

H. Con. Res. 321 was considered by the Education and Labor Committee on July 31, 1986, at that time, a motion to discharge the Subcommittee from further consideration was approved. The Committee ordered the Concurrent Resolution favorably reported with no amendments.

NEED FOR LEGISLATION

There are over 5 million Americans in this nation with a cancer history. Employment discrimination against these persons is not an isolated or hypothetical problem. It is a problem faced by one out of every five persons with a cancer history. This discrimination takes both overt and subtle forms including job denial, wage reduc-

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tion, exclusion from and reduction in employee benefits, promotion denial, and in some cases, outright dismissal. In addition, cancer survivors are often ostracized and stigmatized by employers and fellow co-workers who incorrectly believe the illness is contagious, or that they will be unproductive or will die. They are shunned, ignored and in some cases, have been forced to work and eat in separate facilities.

Indeed, both public and private employers have been guilty of employment discrimination against employees with a cancer history, notwithstanding studies and thousands of case histories showing individuals with a history of cancer to be as productive as other employees. The Committee is aware, as one authority notes, that "such discrimination, rooted in erroneous sterotypes about cancer and poor business practices, costs society billions of dollars annually and withholds income from the often financially burdened cancer survivor." (Hoffman, Barbara, "Employment Discrimination Based on Cancer History: The Need for Federal Legislation", 59 Temple Law Quarterly 1986.)

Thanks to extraordinary breakthroughs in medical research and techniques for diagnosing the disease early, the survival rate of cancer victims is increasing rapidly. As a consequence, it is becoming increasingly difficult for the United States to ignore attitudes and practices affecting the cancer survivor. Over 66 million Americans, one in every four, will eventually develop cancer in their lifetime. Today, however, one out of every two persons diagnosed as having cancer will be cured. By the year 1990, one out of every one thousand children reaching the age of 20 will be childhood survivors of this disease.

An estimated one million cancer survivors are not allowed to resume their careers, begin new ones, or obtain jobs commensurate with their abilities. It is not because they do not want to do these things. It is because they are prevented from remaining in the job markets because of prejudice, discrimination, and misconceptions surrounding cancer and society's ignorance concerning the medical advances of the last two decades.

This resolution will recognize that employment discrimination against persons with a cancer history does exist, and that it is a problem which needs to be addressed. H. Con. Res. 321 expresses the sense of Congress in opposition to this employment discrimination and urges that these Americans receive fair and equal treatment in the workplace. It underlines the fact that persons with a cancer history are entitled to equal, not special or preferential, treatment in the workplace. It is intended that this Resolution will increase public awareness and understanding of cancer, and more importantly, the employability of cancer survivors as well as the obstacles which they encounter in pursuing employment for which they are fully qualified.

OVERSIGHT

With reference to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee reports that no findings or recommendations of the Committee on Government Operations were received during the 99th Congress with reference to the sub-

ject matter addressed in H. Con. Res. 321. No oversight findings exist which might be reported to conform with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives the Committee concludes that this legislation has no inflationary impact.

ANALYSIS

The resolution expresses the sense of Congress in opposition to employment discrimination against persons who have, or have had, cancer based on such individual's cancer history and urges that these Americans receive fair and equal treatment in the workplace.

It recognizes that (1) more than five million Americans have a cancer history with one million of these individuals facing employment discrimination; (2) one out of every four Americans will develop cancer; (3) one out of every two persons with cancer is cured; and (4) employment discrimination against cancer survivors include job denial, wage reduction, exclusion or reduction in benefits, promotion denial and firing. The Resolution states that these people should be encouraged and permitted to remain productive members of society.

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, the Committee reports that there are no changes to existing Federal law made by this Concurrent Resolution as reported.

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